

Message Text

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21

ACTION PM-03

INFO OCT-01 EUR-12 IO-10 ISO-00 CIAE-00 DODE-00 H-02

INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 ERDA-05 ACDA-05 OMB-01 NRC-05 OES-03 /086 W

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R 181930Z MAR 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 8755

INFO AMEMBASSY LONDON

USMISSION GENEVA

C O N F I D E N T I A L BONN 04415

GENEVA PASS BERNARD OXMAN LOS DELEGATION

E.O. 11652: GDS

TAGS: GW, UK, MNUC, TECH

SUBJECT: 1962 BRUSSELS CONVENTION ON LIABILITY OF
NUCLEAR-POWERED SHIPS

1. US/UK/FRG TRILATERAL DISCUSSIONS ON 1962 BRUSSELS
CONVENTION HELD MARCH 13-14 IN BONN. TALKS PRODUCED USE-
FUL CLARIFICATION OF VIEWS, PARTICULARLY WITH RESPECT TO
WARSHIP EXCLUSION AND MEANS BY WHICH THIS MIGHT BE ACCOM-
PLISHED.

2. FRG HAS VIRTUALLY COMPLETED PARLIAMENTARY PROCEDURES
AND EXPECTS TO BE IN POSITION TO DEPOSIT INSTRUMENTS OF
RATIFICATION BY JUNE-JULY. FRG REPS STRESSED THAT NEW
NUCLEAR LIABILITY LEGISLATION IS TIED TO ENTRY INTO FORCE
OF BRUSSELS CONVENTION, AND THEREFORE THAT CONTINUED OP-
ERATION OF OTTO HAHN, AND COMMERCIAL ORDERS FOR OTHER
NUCLEAR MERCHANT SHIPS, ARE DEPENDENT UPON RATIFICATION
AS SOON AS POSSIBLE. FROM FRG VIEWPOINT, RAPID RESOLU-
TION OF WARSHIP EXCLUSION QUESTION IS THEREFORE ESSENTIAL.

3. U.S. REPS MADE CLEAR THAT USG IS PREPARED TO WORK
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ACTIVELY TOWARD CONCERTED ACTION TO RESOLVE WARSHIP PROB-

LEM, BUT ENTRY INTO FORCE OF CONVENTION IN PRESENT FORM
WOULD BE DAMAGING TO JOINT DEFENSE INTERESTS.

4. U.S. PROPOSED NUMBER OF OPTIONS FOR NEW CONVENTION
BASED ON BRUSSELS TEXT BUT WITH WARSHIP EXCLUSION. FRG
ARGUED THAT DELAY IN BRINGING SUCH A NEW CONVENTION INTO
FORCE, AND DANGER THAT THIS APPROACH MIGHT OPEN UP NUM-
BER OF OTHER ISSUES FOR AMENDMENT IN WAYS INCOMPATIBLE
WITH INTERESTS OF POTENTIAL OPERATORS, MADE THESE OPTIONS
EXTREMELY UNPALATABLE. RESERVATION EXCLUDING WARSHIPS
UPON RATIFICATION BY U.S. AND U.K. SEEMED TO THEM QUICKER
AND MORE EFFICACIOUS ROUTE TO ACHIEVE OBJECTIVE.

5. U.S. AND U.K. REPS CAUTIONED THAT FUTURE RESERVATION
BY WARSHIP OPERATORS ALONE MAY NOT BE ADEQUATE. IF RE-
SERVATION TO BE USED IT ESSENTIAL THAT WARSHIPS BE EX-
CLUDED FROM OUTSET WHEN TREATY ENTERS INTO FORCE. IN
EFFECT, THIS MEANT THAT FRG MUST AT MINIMUM RATIFY WITH
A RESERVATION, WHICH COULD BE PART OF JOINT ACTION BY
MAJOR PRESENT AND POTENTIAL LICENSING STATES. AT SAME
TIME, WE DID NOT COMMIT OURSELVES TO ACCEPTABILITY OF
BRUSSELS CONVENTION TEXT EVEN WITH A WARSHIP EXEMPTION.

6. AT U.S. REQUEST, U.K. UNDERTOOK TO PROVIDE IN NEAR
FUTURE COMPREHENSIVE ANALYSIS OF LEGAL EFFICACY OF RE-
SERVATION. SIMILAR REQUEST TO FRG WAS NOT CLEARLY
ACCEPTED, ALTHOUGH WE BELIEVE FOREIGN MINISTRY WILL EXERT
INFLUENCE TO RESPOND. FRG WILL ALSO CONSIDER POSSIBLE
PROTOCOL EXCLUDING WARSHIPS TO BE SIGNED AT TIME OF FRG
RATIFICATION BY ALL STATES THAT HAVE RATIFIED OR ACCEDED
TO CONVENTION.

7. WHILE NO COMMITMENTS MADE, IT APPEARS:

- A. FRG WILL NOT RATIFY AT LEAST UNTIL JUNE OR JULY.
- B. FRG LIKELY TO CONSULT US AND HMG AGAIN BEFORE
ACTING.
- C. FRG COOPERATION DEPENDENT UPON U.S. COOPERATION
IN BRINGING LIABILITY CONVENTION FOR MERCHANT
SHIPS INTO FORCE ASAP, WHETHER OR NOT U.S. RATI-
FIES.

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8. THROUGHOUT COURSE OF DISCUSSIONS U.K. DELEGATION GAVE
STRONG SUPPORT TO EFFORTS TO CONVINCE FRG TO ACCEPT U.S.
POSITION ON CONVENTION.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TREATY RATIFICATION, NUCLEAR POWERED SHIPS, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 MAR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN04415
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750095-0404
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750342/aaaablgr.tel
Line Count: 111
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION PM
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 15 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <15 APR 2003 by ShawDG>; APPROVED <16 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: 1962 BRUSSELS CONVENTION ON LIABILITY OF NUCLEAR-POWERED SHIPS
TAGS: MNUC, TECH, GE, UK
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006